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April 19, 2013

Re:

Dispatch Records in Christopher Dorner Incident

To Whom It May Concern,

As previously indicated, the San Bernardino County Sheriff's Department (Department) asserts that the records it has compiled in the investigation of the crimes committed by Christopher Dorner are confidential and exempt from disclosure pursuant to California Government Code section 6254(f) on the ground that these records constitute confidential investigative records of a local law enforcement agency. These records were created at a time when the prospect for enforcement was concrete and, as such, are exempt from disclosure pursuant to Government Code Section 6254(f) and *Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 169. They are also exempt from disclosure pursuant to Government Code Section 6254(k) to the extent that they contain privileged information as defined in Evidence Code Section 1040 (Official Information Privilege). Release of such records and information could also violate the privacy privileges of involved police officers, witnesses and any victims and other persons named therein, pursuant to Article I, section 1 of the California Constitution and *White v. Davis* (1975) 13 Cal.3d 757, 773-775. These records are exempt from disclosure for an indefinite period of time pursuant to *Williams v. Superior Court* (San Bernardino) (1993) 5 Cal.4th 337.

In the interest of the public, the Department elects at this time to waive its claim of privilege and exemptions to disclosure only as it relates to the printed dispatch records in this matter; those records are attached hereto. The Department expressly hereby reserves its claims of privilege and exemptions to disclosure over the remainder of the records in this matter.

The Department also intends to release the audio files that correspond with these printed dispatch records as soon as they are available. It was the Department's desire to release the audio and printed dispatch records at the same time, however, technical difficulties with the audio equipment has rendered that impractical. You will be notified by e-mail once the audio files are ready for release.

Yours Truly,

JEAN-RENE BASLE County Counsel

STEVEN J. SINGLEY Deputy County Counsel

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cc:

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